

CITY OF WORCESTER PLANNING BOARD



RULES AND REGULATIONS FOR PARKING PLAN APPROVALS

Adopted and Effective

April 11, 1991

Amended – July 18, 2007

Amended – June 24, 2009

**PLANNING BOARD
CITY OF WORCESTER
MASSACHUSETTS**

**RULES AND REGULATIONS
FOR
PARKING PLAN APPROVALS**

Adopted and effective

April 11, 1991

RECEIVED
CITY CLERK
WORCESTER, MASS.

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ARTICLE I - GENERAL PROVISIONS

Section 1 - Purpose and Authority

The following Rules and Regulations are hereby adopted by the Worcester Planning Board as provided in Article IV, Section 7 of the City of Worcester Zoning Ordinance, for the purpose of establishing uniform procedures for the approval of parking lots of more than eight (8) spaces.

Section 2 - Adoption and Amendment

These Rules and Regulations may be adopted and from time to time amended by majority vote, provided such adoption or amendment is submitted in writing at a meeting of the Planning Board. If the matter proposed for adoption or amendment receives a positive vote, then such matter shall be placed on the agenda of the next meeting of the Board for a hearing. After the hearing, the Planning Board may vote final approval, which vote shall be by roll call.

Section 3 - Effective Date

These rules and regulations were finally approved and adopted in public meeting by the Planning Board on April 11, 1991, and shall be effective when voted.

Section 4 - Filing

A copy of these Rules and Regulations shall be filed in the office of the City Clerk.

Section 5 - Powers

A. The Planning Board shall have the power to approve parking lots under the provisions of Article IV, Section 7(1)(B) of the City of Worcester Zoning Ordinance.

Section 6 - Advice, Opinion or Information

A. Any advice, opinion or information given by any Planning Board member, or any employee or official of the City of Worcester shall not be binding on the Planning Board.

Section 7 - Waiver

A. The Planning Board may, in its discretion, waive and or modify provisions of these Rules and Regulations where such action is not inconsistent with the intent and purpose of the Worcester Zoning Ordinance and such waivers and/or modifications will better achieve the purposes and intent of Article IV, Section 7, thereof.

B. To be effective, any action under this section shall

require the concurring affirmative vote of a majority of those members present and voting.

Section 8 - Severability of Provisions

A. The provisions of these Rules and Regulations are severable. If any provision of these Rules and Regulations is held invalid, the other provisions shall not be affected thereby.

B. If the application of these Rules and Regulations, or any of its provisions to any person or circumstances is held invalid, the application of these Rules and Regulations and their provisions to other persons and circumstances shall not be affected thereby.

Section 9 - Coordination with General Laws and/or Zoning Ordinance

A. All matters upon which these Rules and Regulations are silent shall be determined by the applicable provisions of G.L. c. 40A and/or the Worcester Zoning Ordinance.

B. In the event of any conflict between these Rules and Regulations and any provision of the Worcester Zoning Ordinance, the Zoning Ordinance shall control.

ARTICLE II - APPLICATIONS TO THE BOARD

Section 1 - Applicant

A. An application for a parking plan approval may be brought by a property owner, agent, or prospective purchaser who submits certification of a property interest and authority to file the application.

Section 2 - Pre-Application Conference

A. The Planning Board may hold non-binding, pre-application conferences at any regular meeting of the Board, or a special meeting of the Board called for such purpose. An informal sketch, or plan, may be submitted for discussion purposes to assist in the identification of the nature of information necessary to meet the requirements for approval.

1. The above-mentioned sketch, or plan, can include the following:

- a. a sketch site plan, drawn approximately to a designated scale;
- b. name and address of applicant;
- c. proposed name and location of development;
- d. total acreage of development;
- e. tentative street and lot layout;
- f. site topography; and
- g. any other information the applicant believes necessary to discuss and clarify the ordinance requirements for the particular parking lot.

Section 3 - Application Form

A. Application for parking plan approval shall be made on an official form, as approved by the Planning Board, which shall be furnished by the Office of Planning and Community Development ("OPCD"). Any communication not on an official form shall be considered as a notice of intention to apply and not as an application.

B. All information indicated on the form shall be supplied by the applicant. Failure to meet this requirement may be considered a failure to submit an application, in which case the form will be returned and no public meeting will be scheduled. If an application is found to be incomplete after a public meeting thereon has been scheduled, and the applicant fails or refuses to supply the required information, such failure or refusal may constitute grounds for denial of the application.

Section 4 - Filing of an Application

A. The applicant shall file its application for parking plan approval with the Planning Board in care of the OPCD, which shall conduct a preliminary review for completeness and collect the applicable fee.

B. The OPCD shall endorse its receipt of the applicable fee upon the original of the application and the applicant shall then file a copy of the application in the office of the City Clerk.

C. Copies of the application shall be sent by the OPCD to the following City of Worcester departments, boards and commissions:

1. Department of Code Inspection;
2. Department of Public Works;
3. Department of Public Health;
4. Parks and Recreation Department;
5. Department of Traffic Engineering
6. School Department;
7. Conservation Commission;
8. School Department;
9. Bureau of Land Use Control;
10. Law Department;
11. Fire Department; and
12. Any other department, board or commission deemed appropriate by the Planning Board.

Transmittal to the above entities shall take place not more than three (3) business days after the date the OPCD receives the certified copy of the application.

D. Any City department, board or commission to which an application is referred for review, shall make such recommendations as deemed appropriate. Copies of the recommendations shall be sent to the Planning Board, in care of the OPCD, and to the applicant. Failure of any such department, board or commission to make its recommendations within thirty-five (35) days of receipt of the application, or such lesser timeframe as may be required by the Planning Board, shall be deemed lack of opposition thereto.

Section 5 - Contents of an Application

A. A completed application shall consist of the following:

1. An original and fifteen (15) copies of the completed application form;
2. Payment of applicable fee;
3. An original and fifteen (15) copies of the parking lot layout plan

required under Section 6, below;

4. A certified listing from the Worcester Assessing Department containing the names and addresses of "parties in interest", as that term is defined by G.L. c. 40A, s.11.

Section 6 - Parking Lot Layout Plan

A. All applications for parking plan approval, which do not require site plan approval under Article V of the Zoning Ordinance, shall include an original and fifteen (15) copies of the following described plan.

1. The size of the plan shall be at least 8 1/2" x 11" or 11" x 17", and drawn to a minimum scale of 1 inch equals 40 feet, it shall have a north point, names of streets, zoning districts, and names of owners of properties up to abutters of abutters within 300 feet of the applicant's property lines. The location of any existing buildings or use of the property and distances from adjacent buildings and property lines shall be verified in the field and shown on the plan. The dimensions of the lot and the percentage of the lot covered by the principal and accessory buildings, proposed and existing. The plan shall also identify the elevations and contours of the finished site, existing rights of way, entrances and exits, circulation, capacity, drainage, (including detention/retention ponds), lighting, berms, curbing, fences, walkways, landscaped areas and other design features.

B. For those projects which require site plan approval under Article V of the Zoning Ordinance, no separate plan and/or application under these rules and regulations shall be required. A site plan approval application shall constitute parking lot approval application as provided for in Article IV, Section 7(1)(B) of the Zoning Ordinance.

Section 7 - Fees

A. All applications shall be accompanied by a check for the filing fee, made payable to the City of Worcester.

B. Calculations of the filing fee for each application shall

be based upon the following:

1. Nine parking spaces - \$35.00
2. Each additional space - \$2.00 per space

C. Upon written request, and for good cause shown, the Planning Board may waive or reduce filing fees.

Section 8 - Amendments to Applications

The Planning Board shall only vote on applications pending before it. Any modifications, amendments or alterations of an application initiated by the applicant, and found by the Planning Board to be more than a de minimis change, must be presented to the Planning Board for its consideration at a subsequent public meeting. If the Petitioner presents revised plans which differ substantially from those originally submitted, the Planning Board may require that the petition be withdrawn. Nothing in this section is intended to, nor does it have the effect of, preventing the Planning Board to suggest or require any modifications, amendments or alterations to the application as a condition to approval.

ARTICLE III - MEETINGS

Section 1 - Pre-Application Conference

A. To promote communication and avoid misunderstanding, applicants are encouraged to submit informal materials to the Planning Board for a pre-application conference, as set forth in Article II, section 2 of these rules and regulations.

Section 2 - Procedural Requirements

A. The Planning Board, acting as the Parking Lot Approval Authority, shall follow all procedural requirements of the City Manager's Procedural Rules and Regulations for Boards and Commissions of the City of Worcester.

B. The attendance of three (3) members shall be required in order to constitute a quorum whenever the Planning Board is acting upon a parking lot approval application.

Section 3 - Public Meeting

A. Every application for parking lot approval which does not otherwise require site plan approval, shall be scheduled for a public meeting and a decision on such application shall be made within thirty-five (35) days from the date of filing of such application with the OPCD.

B. The time limits within which to hold the required public meeting, and take such action as is required following the public meeting, may be extended by written agreement between the applicant and the Planning Board. Such agreement shall be filed with the OPCD and a copy thereof shall be filed in the office of the City Clerk.

C. Every project which requires parking plan approval under Article IV, Section 7, and also requires Site Plan Approval under Article V of the Zoning Ordinance shall be required to submit only the application for site plan approval. Every such project which receives site plan approval shall be deemed to have received parking lot approval as well. The time limits for the Planning Board's action in such instance shall be governed by the Site Plan Approval process.

Section 4 - Notice

A. Notice of the public meeting shall be made by publication in a newspaper of general circulation in the city, once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the meeting, and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before the day of such meeting.

B. Notice shall also be sent by mail, postage prepaid, not less than fourteen (14) days before the day of the meeting, to all "parties in interest" as that term is defined in G.L. c. 40A, section 11, as amended, which reads as follows:

1. "Parties In Interest", shall mean the applicant, abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred (300) feet of the property line of the applicant as they appear on the most recent tax list (notwithstanding that the land of any such owner is located in another city or town), [the Planning Board], and the planning board of every abutting city or town.

C. The applicant is responsible for preparing notices to such parties in interest. The prepared notices shall be verified by the OPCD for conformity with the certified list from the Assessing Department which will have been submitted with the application. Such certified list shall be conclusive for all purposes relative to determining "parties in interest".

D. All notices and pre-addressed, stamped envelopes required hereunder shall be delivered to the OPCD. After review of the notices as provided for in Section 4(C), above, the OPCD shall transmit the notice for publication, send a copy of the notice to the City Clerk's office for posting, and shall cause all other copies of the notice to be mailed accordingly.

E. The Planning Board may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five (5) nor more than ten (10) additional days to reply.

Section 5 - Contents of the Notice

A. Publications and notices required under Section 4, above, shall contain the name of the applicant, a description of the area or premises, street address, if any, or other adequate identification of the location of the area or premises which is the subject of the application, the date, time and place of the public meeting, and a statement that the applicant is seeking parking lot approval.

Section 6 - Attendance by the Applicant

An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of any appearances on behalf of an applicant, the Planning Board may consider the request based upon the application and any other evidence presented to it during the public meeting.

ARTICLE IV - DISPOSITION OF APPLICATIONS

Section 1 - Decisions

A. The Planning Board shall render its decision on an application within thirty-five (35) days of its being filed with the OPCD, or such extended timeframe as has been agreed upon by the parties.

B. The Planning Board shall take the following action upon each application:

1. Approve;
2. Approve with conditions; or
3. Disapprove

C. The Planning Board may regulate the proposed use through the imposition of reasonable conditions relating to one or more of the identified areas of concern as set forth in Article IV, Section 7 of the Zoning Ordinance. The reasonable conditions imposed shall be designed to protect the public interest to the degree that they are consistent with the reasonable use of the site as approved under the Zoning Ordinance.

D. The Planning Board may disapprove the application if it fails to furnish adequate information on the various review criteria set forth in the Zoning Ordinance under Article IV, Section 7. The Planning Board may also disapprove an application which reflects a situation so intrusive on the needs of the public with respect to one or more of the identified areas of concern, that, despite best efforts, no form of reasonable conditions could be devised to mitigate the situation.

Section 2 - Voting Requirement

A. Any parking plan approval issued by the Planning Board, either with or without conditions, shall require the concurring affirmative vote of a majority of those members present and voting.

Section 3 - Performance Guarantee

A. As a condition to the issuance of parking lot approval, the Planning Board may, in situations it deems appropriate, require the applicant to post a bond or provide other safeguards in the form and amount or penal sum acceptable to the Planning Board.

1. The purpose of the bond shall be to guarantee the applicant's performance in meeting any conditions the Planning Board may attach to its approval. The penal sum of the bond shall reflect the estimated cost to the City of

ARTICLE V - APPROVAL STANDARDS

Section 1 - General Standards

A. The Planning Board shall issue its decision based upon the review standards set forth in Article IV, Section 7 of the Zoning Ordinance.

1. Particular importance shall be given to the design standards and requirements set forth in Article IV, Section 7(1)(C) of the Zoning Ordinance.

Section 2 - Specific Standards

A. In addition to the approval criteria set forth in Section (1), above, each application shall be subject to any additional approval standards which may be specifically set forth under the provisions of any other applicable Article of the Worcester Zoning Ordinance.

City of Worcester, Massachusetts

Michael V. O'Brien
City Manager



Julie A. Jacobson
Assistant City Manager
Office of Economic and Neighborhood Development

Joel J. Fontane, AICP
Director
Planning and Regulatory Services Division

Memorandum

To: David Rushford, City Clerk

From: Joel Fontane, AICP – Director, Planning & Regulatory Services Division

Date: August 1st, 2007

Re: **Amendment to Planning Board Rules & Regulations for Parking Plan**

Enclosed for filing, please find an amendment to the Parking Plan Rules and Regulations of the Worcester Planning Board. The Worcester Planning Board voted at its meeting on July 18, 2007 to amend Article II, Section 7 related to fees (see attached for filing).

A handwritten signature in blue ink, likely belonging to Joel J. Fontane, the Director of Planning and Regulatory Services Division.

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APPLICATION FEES WORCESTER PLANNING BOARD

Effective August 1, 2007

Definitive Site Plan	Special Permits	Definitive Subdivisions
Residential Uses (5 units or more, or lots in subdivisions) \$185.00 + \$60.00 per DU	Adaptive Reuse, Arts Overlay, CCRC, Cluster,	\$1250.00 + \$60.00 per lot
Non-Residential Uses \$185.00 + \$0.25 per SF of GFA over 10,000 SF	Common Drive, Density Bonus, Flexible Parking, Mixed Use, Water Resources. \$250.00 ea.	Preliminary Subdivisions \$625.00 + \$30.00 per lot
Other Site Plan Triggers: Airport Environs, Billboards, Lodging House, Historic (National Register) & Slope-15% \$185.00	Wind Energy Conversion Facilities \$500.00	More Than One Building on a Lot Definitive or Preliminary Plan (see Site Plan & Preliminary Site Plan fee - fee not applicable if site plan required)
Preliminary Site Plan	Other Special Permits:	81-G Street Opening
All Triggers, Thresholds & Types \$185.00	\$250.00	\$0
		ANR \$100.00
Parking Plan \$185.00 + \$5.00 per parking space		Frontage Subdivision \$100.00
Other Applications Types		
Amendments \$250.00, or filing fee whichever is lower.		
Extension of Time \$100.00		
General Notes		
<p>If more than one trigger is met for site plan, the greater of the two fees applies.</p> <p>Preliminary fees, if any, shall be deducted from Definitive fee total.</p> <p>All applications shall be accompanied by cash or check for the filing fee, payable to the City of Worcester.</p> <p>Filing fees shall be no more than \$5,000.00 for any combination of Planning Board applications filed at the same time.</p>		

City of Worcester, Massachusetts

Michael V. O'Brien
City Manager


Julie A. Jacobson
Assistant City Manager
Office of Economic and Neighborhood Development



Joel J. Fontane, AICP
Director
Planning and Regulatory Services Division

Memorandum

To: David Rushford, City Clerk

From: Joel Fontane, AICP – Director, Planning & Regulatory Services Division 

Date: July 1, 2009

Re: **Amendment to City of Worcester Planning Board's Rules and Regulations – Parking Plan**

Enclosed for filing, please find an amendment to the Planning Board's Rules and Regulations. The Worcester Planning Board voted at its meeting on June 24, 2009 to amend its Rules and Regulations, Parking Plan, Article II, Section 7 related to fees (see attached for filing).

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2009 JUL - 1 P 3: 53



APPLICATION FEES WORCESTER PLANNING BOARD

Effective July 1, 2009

Definitive Site Plan	Special Permits	Definitive Subdivisions
Residential Uses (5 units or more, or lots in subdivisions) \$225.00 + \$70.00 per DU	Adaptive Reuse, Arts Overlay, CCRC, Cluster,	\$1,500.00 + \$70.00 per lot
Non-Residential Uses \$225.00 + \$0.30 per SF of GFA over 10,000SF	Common Drive, Density Bonus, Flexible Parking, Mixed Use, Water Resources. \$300.00 ea.	Preliminary Subdivisions \$750.00 + \$35.00 per lot
Other Site Plan Triggers: Airport Environs, Billboards, Lodging House, Historic (National Register) & 15% Slope \$225.00	Wind Energy Conversion Facilities \$600.00 ea.	Frontage Subdivision \$150.00
Preliminary Site Plan	Other Special Permits:	More than One Building on a Lot
All Triggers, Thresholds & Types \$225.00	\$300.00 ea.	Definitive or Preliminary Plans: \$0
Parking Plan \$225.00 + \$6.00 per parking space		81-G Street Opening \$0
Other Applications Types		
Amendments \$300.00 or filing fee (whichever is lower)		
Significant site plan amendment (See Attachment A) - \$600.00 or filing fee (whichever is lower)		
Extension of Time \$150.00		
General Notes		
If more than one trigger is met for site plan, the greater of the two fees applies.		
In cases where flat fee site plans also include changes that would otherwise trigger parking plan approval the greater of the two fees shall apply. Preliminary fees, if any, shall be deducted from Definitive fee total.		
All applications shall be accompanied by a check for the filing fee, made payable to the City of Worcester.		
Filing fees shall be no more than \$5,000.00 for any combination of Planning Board applications filed at the same time.		